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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,439	10/30/2003	Gerald Popek	U000-P03142US	3270
33356 7590 07/11/2007 SoCAL IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362				
			EXAMINER TIV, BACKHEAN	
			ART UNIT 2151	PAPER NUMBER
			MAIL DATE 07/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/699,439	POPEK ET AL.	
	Examiner	Art Unit	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/05</u> . | 6) <input type="checkbox"/> Other: ____ |

Detailed Action

Claims 1-58 are pending in this application.

Information Disclosure Statement

The IDS filed on 5/17/05 has been considered.

Claim Objections

Claims 1-58 objected to because of the following informalities:

As per claims 1-58, the examiner recommends to add either semicolon or commas after each limitation in each claim. For examination purposes, the examiner have added semicolon after each limitation in each claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15,17-58 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 7,159,014 issued to Kausik.

As per claims 1, 15, 18, 31, 45, Kausik teaches a method for increasing the throughput of network communications(col.1, lines 15-20) comprising:

a processor(col.1, lines 15-20);

a memory coupled with the processor(col.1, lines 15-20);

a storage medium having instructions stored thereon which when executed cause the computing device to perform actions(col.1, lines 15-20);

receiving a response from a server(col.3, lines 5-10);

evaluating whether a content type of the response is appropriate(col.3, lines 58-col.4, lines 15);

when the content type of the response is appropriate(col.3, lines 58-col.4, lines 15);

evaluating whether the response has a status code that is actionable(Figs. 2-6, col.5, lines 30-37);

when the status code is actionable, reviewing the response to determine whether the response includes a native expiration(Figs. 2-6, col.5, lines 30-37);

when the response does not include the native expiration(Figs.2-6, col.5, lines 17-17-30);

calculating a calculated expiration for the response(Figs.2-6, col.5, lines 15-35, col.6, lines 18-25);

inserting the calculated expiration into the response creating an amended response(Figs.2-6, col.5, lines 15-35);

forwarding the amended response to a requester(col.5, line 45);

when the response includes the native expiration, forwarding the response to the requester(col.1, lines 40-45, col.4, lines 43-46);

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when the status code is not actionable, forwarding the response to the requester(col.2, lines 18-28).

As per claims 2, 32, 46 wherein the server comprises an origin server(col.5, lines 10-15).

As per claims 3,17,25,36,50, comprising: receiving a request for an object from the requester(col.5, line 10); forwarding the request to the server(col.5, line 13); storing the amended response(col.5, line 40-45); providing the amended response to other requesters that request the object, the providing achieved without additional communication with the server(col.5, lines 45-56).

As per claims 4,37,51 wherein, when the response includes the native expiration, forwarding the response to the requester(col.2, lines 50-59).

As per claims 5,23,38,52, wherein the computed expiration is based on at least one of a response content type and a response resource identifier(col.3, lines 58-col.4, lines 15).

As per claims 6,24,39,53, wherein the computed expiration is based on a time-to-live.

As per claims 7,33,47, further comprising: evaluating whether a content type of the response is appropriate; performing the reviewing only when the content type of the response is appropriate(col.3, lines 58-col.4, lines 15).

As per claims 8,21,34,48, wherein the evaluating whether a content type of the response is appropriate comprises checking to determine whether the content type is in an appropriate type list(col.3, lines 58-col.4, lines 15).

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As per claims 9,22,35,49, wherein the appropriate type list comprises at least one of graphic, JavaScript, Cascading Style Sheet, portable document format (PDF), executable program, audio, video, and multimedia(col.3, lines 58-col.4, lines 15).

As per claims 10,26,40,54, wherein the receiving a request comprises storing request information as request history data(col.2, lines 1-2, col.6, lines 1-35).

As per claims 11,27,41,55, wherein the request information includes a request resource identifier, a request content type, and a modification query when the modification query is present(Figs.2-6, col.2, lines 1-2, col.6, lines 1-35).

As per claims 12,28,42,56, wherein the computing the computed expiration comprises: evaluating whether the response includes a modification history(Figs.2-6, col.2, lines 1-2, col.6, lines 1-35); when the response includes the modification history, computing a time-to-live for the response based on an age factor, a current time and a value of the modification history(Figs.2-6, col.2, lines 1-2, col.6, lines 1-35); computing the computed expiration based on the current time and the time-to-live(Figs.2-6, col.2, lines 1-2, col.6, lines 1-35);when the response does not include the modification history, retrieving a modification query value from the request history data based on a response type and a response location(col.5, lines 10-55, Figs.2-6, col.2, lines 1-2, col.6, lines 1-35); when the modification query value is retrieved, computing the time-to-live for the response based on an age factor, a current time and the modification query value, computing the computed expiration based on the current time and the time-to-live when the retrieving the modification query value is not successful, forwarding the response to the requester(col.5, lines 10-55, Figs.2-6, col.2, lines 1-2, col.6, lines 1-35).

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As per claims 13,29,43,57, Kausik does not explicitly teach when the time-to-live is greater than a defined maximum, setting the time-to-live to be the defined maximum; when the time-to-live is less than a defined minimum, forwarding the response to the requester(col.4, lines 41-62, col.6, lines 18-20).

As per claims 14,30,44,58, wherein the request is a hyper-text transfer protocol (HTTP) get, the modification query value is an HTTP if-modified-since value, and the modification history value is an HTTP last-modified value(Figs.2-6).

As per claim 19, wherein the evaluating whether a content type of the response is appropriate comprises checking to determine whether the content type is a graphic image(col.3, lines 58-col.4, lines 15).

As per claim 20, wherein the evaluating whether a content type of the response is appropriate comprises checking to determine whether the content type is one of a Graphics Interchange Format (GIF) file or Joint Photographic Experts Group (JPEG) file(col.3, lines 58-col.4, lines 15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,159,014 issued to Kausik in further view of US Publication 2004/0068579 issued to Marmigere et al.(Marmigere).

As per claim 16, Kausik does not explicitly teach wherein evaluating whether the response has a status code that is actionable comprises checking to determine whether the response has a hyper-text transfer protocol (HTTP) status code of "OK" or "Not Modified".

Marmigere explicitly teaches evaluating whether the response has a status code that is actionable comprises checking to determine whether the response has a hyper-text transfer protocol (HTTP) status code of "OK" or "Not Modified"(para. 0049).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kausik, to include "Not Modified" as a status code as taught by Marmigere in order to for the server to determine whether an object has been modified or not (Marmigere, para.0049).

One ordinary skill in the art would have been motivated to combine the teachings of Kausik and Marmigere in order to provide a system to improve the caching of objects(Marmigere, para. 0001).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-F 7-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2151
7/2/07

Defercia Martin Wallace
SPE Art Unit 2151